

REMARKS

Claims 1-4, 6-8, 10-16, 18-23 and 26 are pending. By this Amendment, claims 1, 2, 4, 6-8, 16, 22 and 23 are amended, claims 9, 24 and 25 are cancelled and claim 26 is added. In particular, the features of claims 24 and 25 have been incorporated into claims 1 and 16, respectively. Claim 23 has been amended to includes the features of claim 24, and claim 26 includes features from original claims 1 and 9.

Applicants appreciate the withdrawal of the Election of Species Requirement.

Claims 1-4, 6-16 and 18-25 were rejected under 35 U.S.C. §112, second paragraph.

Claims 1 and 16 have been amended in order to remove the use of "fluid resistance", and instead recite how the rotor and case are in select contact with each other. Claim 22 has been amended in order to remove "can" and claims 24 and 25 are cancelled. It is respectfully requested that the rejection be withdrawn.

The rejections of claims 1 and 2 under 35 U.S.C. §102(b) over any one of EP 0933532 (Nakamura), WO 98/42984 (Ostberg), and WO 98/03794 (Adorjan) have been rendered moot because the features of claim 24 have been incorporated into claim 1.

Claims 6-9, 15 and 24 were rejected under 35 U.S.C. §102(b) over Ostberg. The rejection as applied to claims 9 and 24 is respectfully traversed.

Claim 1 calls for a rotor and a case that are structured such that at least one of the rotor and the case selectively moves between a first position where the rotor and case are in contact with each other during a purging operation and a second position where the rotor and the case are separate from each other during a printing operation.

Ostberg fails to disclose this feature because Ostberg fails to disclose performing a printing operation. In addition, Ostberg separates the housing 2 and the rotor 3 during an apparent purging operation, which is the opposite of claim 1.

As previously discussed, Ostberg discloses that the housing 2 is able to move radially apart from the rotor 3 at the area between the rotor 3 and the housing 2 (i.e., at the arc 10). However, Ostberg only states that this movement occurs in the event of excessive pressure or during the entrapment of debris between the rotor 3 and the housing 2 in order to pump fluids containing entrained foreign matter (page 9, lines 8-18). This is the opposite of claim 1, which calls for at least one of the rotor and the case to move to a first position where the rotor and case are in contact with each other during a purging operation.

Claim 26 calls for a rotor that is structured such that the rotor selectively moves between a first position where the communication passage is located on a side of the partition with the first through hole and the second through hole during a printing operation and a second position where the communication passage is not located on the side of the partition with the first through hole and the second through hole during a purging operation.

Ostberg again fails to disclose performing a printing operation, and Ostberg fails to provide any structure that can achieve the second position.

It is respectfully requested that the rejection be withdrawn.

Claim 23 was rejected under 35 U.S.C. §102(b) over Beidler et al. (Beidler), U.S. Patent No. 1,952,834. The rejection is respectfully traversed.

Claim 23 calls for a first end of a second through groove that is adjacent to the first through hole and a second end of the second through groove that is adjacent to the second through hole when the rotor is not rotating during a printing operation, and for the first end

and the second end of the second through groove to move to a side of the partition opposite a side with the first through hole and the second through hole when the rotor is rotating during a purging operation.

Beidler fails to disclose the above feature because Biedler fails to disclose performing a printing operation. In addition, Beidler's vanes 18, 19 cross each other. Therefore, the vanes 18, 19 cannot achieve a position where a first end and a second end move to a side of a partition opposite a side with the first through hole and the second through hole. It is respectfully requested that the rejection be withdrawn.

The rejections of claims 3 and 4 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg or Adorjan in view of Collins, U.S. Patent No. 2,903,971, claim 10 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg or Adorjan, claims 11-13 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg or Adorjan in view of Matsumoto et al., U.S. Patent No. 6,688,865, claims 14 and 15 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg or Adorjan in view of JP-B2-7-80304 (Takehiko), and claims 16, 18 and 21 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg or Adorjan in view of Takehiko has been rendered moot because the features of claims 24 and 25 have been incorporated into claims 1 and 16.

Claim 25 was rejected under 35 U.S.C. §103(a) over Ostberg in view Takehiko. The rejection as applied to claim 25 is respectfully traversed.

Claim 16 calls for a rotor and a case that are structured such that at least one of the rotor and the case selectively moves between a first position where the rotor and case are in contact with each other during a purging operation and a second position where the rotor and the case are separate from each other during a printing operation.

For reasons similar to claim 24, Ostberg fails to disclose or suggest the above features because Ostberg fails to disclose a printing operation and because Ostberg separates the housing 2 and the rotor 3 during an apparent purging operation, which is the opposite of claim 16.

Takehiko fails to overcome the deficiencies of Ostberg because Takahiko fails to disclose a second position where the rotor and the case are separate from each other.

It is respectfully requested that the rejection be withdrawn.

The rejections of claim 19 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg or Adorjan in view of either Hino, U.S. Patent No. 6,561,637 or Maruyama, U.S. Patent No. 4,380,770, and claim 20 under 35 U.S.C. §103(a) over any one of Nakamura, Ostberg, or Adorjan has been rendered moot because of features of claim 25 have been incorporated into claim 16.

Claims 1, 2, 6-9, 14-16 and 21-25 were rejected based on nonstatutory double patenting over the claims of U.S. Patent No. 7,393,090, U.S. Patent No. 7,360,878, and U.S. Patent No. 7,192,263 in view of any one of Nakamura, Ostberg or Adorjan. It is requested that these rejections be held in abeyance until the final claims have been determined.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS

Attachments:

Petition for Extension of Time
Amendment Transmittal

Date: February 5, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461